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 and THOMAS WALSH

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

LEVI STRAUSS & CO. and
 SUBSIDIARIES,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. C-03-3212 MMC (EDL)

STIPULATION AND ~~PROPOSED~~ ORDER
 CONTINUING CASE MANAGEMENT
 CONFERENCE

Date: July 15, 2005

Time: 10:30 a.m.

Dept.: 7

Judge: Hon. Maxine M. Chesney

1 WHEREAS,

2 1. The parties currently are scheduled to attend a Case Management Conference
3 in the above-captioned matter on July 15, 2005;

4 2. At the last Case Management Conference held on April 30, 2004, this Court
5 indicated that should the parties agree that there are no issues to discuss at the next-
6 scheduled Case Management Conference, the parties should so advise the Court;

7 3. The United States ("Respondent") on October 8, 2004 filed a motion to
8 compel production of certain privileged documents. This Court on October 12, 2004
9 referred that motion to Magistrate Judge Elizabeth D. Laporte. Petitioner Levi Strauss &
10 Co. ("LS&CO." or "Petitioner") on November 18, 2004 filed an opposition and Respondent
11 on November 23, 2004 filed a reply. The hearing on that motion was set for December 7,
12 2004;

13 4. On December 1, 2004 Magistrate Judge Laporte held a status conference
14 wherein she directed the parties to meet and confer to attempt to narrow the issues actually
15 in dispute as well as to agree upon a revised schedule for briefing and hearing of the
16 motion. The parties on December 7, 2004 met and conferred and on December 8, 2004 delivered
17 to Magistrate Judge Laporte a proposed schedule to facilitate the resolution of their dispute;

18 5. On December 13, 2004 Magistrate Judge Laporte denied without prejudice
19 Respondents' motion to compel production of privileged documents and ordered that the parties
20 submit no later than January 11, 2005 a joint progress report detailing the status of their meet and
21 confer. Since the submission of that report to Magistrate Judge Laporte, the IRS has continued to
22 evaluate the documents LS&CO. produced on December 17, 2004 and January 3, 2005;

23 6. Petitioner and Respondent expect that their meet and confer process will extend
24 beyond the date currently set for filing a Case Management Conference statement, as well as for
25 holding a Case Management Conference;

26 7. It would conserve the resources of the Court and the parties to continue the
27 Case Management Conference until the parties' privilege dispute is resolved, either
28 informally or by Magistrate Judge Laporte;

8. Petitioner and Respondent agree¹ that currently there are no issues to discuss and, accordingly, it is not necessary for the Court to hold the Case Management Conference scheduled for July 15, 2005.

THEREFORE, the Petitioner and Respondent hereby stipulate, and request the Court to order, for good cause and for the reasons set forth above, that the Case Management Conference currently scheduled in the above-captioned matter for July 15, 2005 be continued to October 14, 2005 at 10:30 a.m., or as soon thereafter as the Court is available. The parties will submit to the Court a Case Management Conference Statement no later than October 7, 2005.

DATED: July 7, 2005

GIBSON, DUNN & CRUTCHER LLP
SCOTT A. FINK
AUSTIN V. SCHWING
REBECCA JUSTICE LAZARUS

By: /s/ Austin V. Schwing

Austin V. Schwing

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Attorneys for Petitioner
LEVI STRAUSS & CO. and SUBSIDIARIES

¹ Counsel for Petitioner Levi Strauss & Co. and Subsidiaries repeatedly attempted to contact and left multiple messages for counsel for Intervenor Robert Schmidt and Thomas Walsh, but those messages were not returned. Thus, as of yet, Intervenor have neither indicated agreement nor disagreement with this Stipulation.

1 DATED: July 7, 2005

2 KEVIN V. RYAN
3 JAY R. WEILL
4 UNITED STATES ATTORNEY'S OFFICE
5 NORTHERN DISTRICT OF CALIFORNIA

6 By: /s/ Jay R. Weill

Jay R. Weill

7 Attorneys for Respondent
8 UNITED STATES OF AMERICA

9
10 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

11
12 DATED: July 8, 2005, 2005



13
14 By: _____

15 The Honorable Maxine M. Chesney
16 United States District Judge

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